

manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least \$550 and not more than \$11,000 per violation, except that: Penalties may be assessed against individuals only for willful violations, and, where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed \$27,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See appendix A to this

part for a statement of agency civil penalty policy.

[63 FR 11623, Mar. 10, 1998, as amended at 69 FR 30595, May 28, 2004]

#### **§ 233.13 Criminal penalty.**

Whoever knowingly and willfully—

(a) Makes, causes to be made, or participates in the making of a false entry in reports required to be filed by this part; or

(b) Files a false report or other document required to be filed by this part is subject to a \$5,000 fine and 2 years imprisonment as prescribed by 49 U.S.C. 522(a) and section 209(e) of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 438(e)).

#### APPENDIX A TO PART 233—SCHEDULE OF CIVIL PENALTIES<sup>1</sup>

Section	Violation	Willful violation
233.5 Accidents resulting from signal failure .....	\$2,500	\$5,000
233.7 Signal failure reports .....	5,000	7,500
233.9 Annual reports .....	1,000	2,000

[53 FR 52936, Dec. 29, 1988, as amended at 63 FR 11623, Mar. 10, 1998; 69 FR 30595, May 28, 2004]

### **PART 234—GRADE CROSSING SIGNAL SYSTEM SAFETY**

#### **Subpart A—General**

Sec.

- 234.1 Scope.
- 234.3 Application.
- 234.4 Preemptive effect.
- 234.5 Definitions.
- 234.6 Penalties.

#### **Subpart B—Reports**

- 234.7 Accidents involving grade crossing signal failure.
- 234.9 Grade crossing signal system failure reports.

#### **Subpart C—Response to Reports of Warning System Malfunction**

- 234.101 Employee notification rules.
- 234.103 Timely response to report of malfunction.
- 234.105 Activation failure.
- 234.106 Partial activation.

- 234.107 False activation.
- 234.109 Recordkeeping.

#### **Subpart D—Maintenance, Inspection, and Testing**

##### MAINTENANCE STANDARDS

- 234.201 Location of plans.
- 234.203 Control circuits.
- 234.205 Operating characteristics of warning system apparatus.
- 234.207 Adjustment, repair, or replacement of component.
- 234.209 Interference with normal functioning of system.
- 234.211 Security of warning system apparatus.
- 234.213 Grounds.
- 234.215 Standby power system.
- 234.217 Flashing light units.
- 234.219 Gate arm lights and light cable.
- 234.221 Lamp voltage.
- 234.223 Gate arm.
- 234.225 Activation of warning system.
- 234.227 Train detection apparatus.
- 234.229 Shunting sensitivity.
- 234.231 Fouling wires.

<sup>1</sup>A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a

penalty of up to \$27,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.